

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON (TACOMA)

DISCOVERORG DATA, LLC,

Plaintiff,

vs.

BENCHMARK CORP., and,
BENCHMARK VAR LLC,

Defendants.

Case No. 3:19-cv-05516

**JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
TIME TO RESPOND TO COMPLAINT
AND TO AMEND THE CASE
MANAGEMENT AND PRETRIAL
ORDER**

The parties hereby stipulate and jointly request that the Court enter an order modifying the case schedule, as follows, to allow the Parties time to negotiate a settlement to try to avoid the costs and inconvenience of this litigation:

WHEREAS, Plaintiff DiscoverOrg Data, LLC (“DiscoverOrg”) filed its Complaint against Benchmark Corp. and Benchmark VAR, LLC on June 7, 2019;

WHEREAS, the Court issued an Order dated June 11, 2019 setting the following deadlines:

1. Deadline for FRCP 26(f) Conference on August 26, 2019;
2. Deadline for Initial Disclosures Pursuant to FRCP 26(a)(1) on September 3, 2019;
3. Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and

1 Local Civil Rule 26(f) on September 9, 2019.

2 WHEREAS, DiscoverOrg filed a declaration of service on Benchmark VAR, LLC stating
3 that the Complaint, Summons, and associated documents were served on Benchmark VAR, LLC
4 on June 18, 2019;

5 WHEREAS, Benchmark VAR, LLC's response was initially due on July 18, 2019, and
6 no response has been filed;

7 WHEREAS, the Parties engaged early discovery to attempt to resolve this dispute without
8 this Court's intervention;

9 WHEREAS, on November 1, 2019 the Parties sought an extension of time for Benchmark
10 VAR, LLC to respond to the Complaint so that the Parties could complete their early discovery;

11 WHEREAS, the Court granted the Parties extension on November 12, 2019 Ordering that
12 Benchmark VAR, LLC shall have until December 9, 2019 to serve and file a response to the
13 Complaint, and to serve and file counterclaims, if any; that the FRCP 26(f) Conference occur on
14 or before January 10, 2020; that Initial Disclosures Pursuant to FRCP 26(a)(1) be served on or
15 before January 24, 2020; and that the Combined Joint Status Report and Discovery Plan as
16 Required by FRCP 26(f) and Local Civil Rule 26(f) be submitted by January 31, 2020.

17 WHEREAS, the Parties have exchanged documents during the previous extension and
18 engaged in settlement discussions, but they require additional time to attempt to negotiate a
19 settlement of this Action;

20 WHEREAS, Benchmark VAR, LLC and Benchmark Corp. expressly preserve any
21 challenges to service, and this Court's personal jurisdiction over each of them;

22 THEREFORE, to provide additional time for the Parties to attempt to negotiate a
23 settlement of this Action, the Parties agree and stipulate that Benchmark VAR, LLC shall have
24 until January 9, 2020 to serve and file a response to the Complaint, and to serve and file
25 counterclaims, if any. The parties further seek an amendment to the current scheduling order as

follows:

1. Deadline for FRCP 26(f) Conference: January 23, 2020
2. Initial Disclosures Pursuant to FRCP 26(a)(1): February 7, 2020
3. Combined Joint Status Report and
Discovery Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f): February 14, 2020

IT IS SO STIPULATED

DATED this 9th day of December, 2019

/s/ Brian J. Janura

Brian J. Janura, WSBA # 50213
DORSEY & WHITNEY LLP
Attorneys for Defendants
Benchmark Corp. and Benchmark Var, LLC

/s/ Nathan Durrance

Nathan Durrance, WSBA No. 41627
NEWMAN DU WORS LLP
Counsel for Plaintiff
DiscoverOrg Data, LLC

IT IS SO ORDERED

DATED this ____ day of December, 2019

HONORABLE RONALD B. LEIGHTON
UNITED STATES DISTRICT COURT JUDGE